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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,570	07/11/2003	Earl Russell Geddes		1342

7590 08/02/2004
Earl Geddes
43516 Scenic Lane
Northville, MI 48167

EXAMINER

LE, HUYEN D

ART UNIT PAPER NUMBER

2643

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/616,570	Applicant(s) GEDDES, EARL ROSSELL	
	Examiner HUYEN D. LE	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/11/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the acoustic transducer and the baffle must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. Claim 3 recites the limitation "the baffle" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 3 recites the limitation "the mouth termination" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the baffle" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 4 recites the limitation "the mouth termination" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the baffle" and "the mouth termination" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 6 recites the limitation "the mouth termination" in line 2. There is insufficient antecedent basis for this limitation in the claim.

3. Claims 1 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 3, and claim 5, line 3, "approximate" should be deleted because it does not have a positive limitation.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakagawa (U.S. patent 4,324,313).

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Regarding claims 1-2 and 5, as broadly claimed, Nakagawa teaches an acoustic waveguide for propagating sound radiation from an acoustic transducer (not shown, see col.1, lines 51-54). Nakagawa shows one or more sections along the length of the waveguide have bounding surfaces that coordinate of the elliptic cylinder and prolate spheroidal as claimed (figures 1-3).

6. Claims 1-2 and 5 are rejected under 35 U.S.C. 102(a) as being anticipated by Adamson (U.S. patent 6,581,719).

Regarding claims 1-2 and 5, Adamson teaches an acoustic waveguide for propagating sound radiation from an acoustic transducer (1). Adamson teaches one or more sections along the length of the waveguide have bounding surfaces that coordinate of the elliptic cylinder and prolate spheroidal as claimed (col. 2, lines 45-60 and col. 10, lines 17-30).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa (U.S. patent 4,324,313).

Regarding claims 3-4 and 6, Nakagawa does not specifically show a baffle at the mouth of the horn. However, the examiner takes the Office Notice that mounting the mouth of the horn to a baffle is known in the art.

Therefore, it would have been obvious to one skilled in the art to provide the mouth of the horn of Nakagawa to be mounted to a baffle of any speaker enclosure or speaker system for greater application.

9. Claims 3-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adamson (U.S. patent 6,581,719).

Regarding claims 3-4 and 6, Adamson does not specifically show a baffle at the mouth of the horn. However, the examiner takes the Office Notice that mounting the mouth of the horn to a baffle is known in the art.

Therefore, it would have been obvious to one skilled in the art to provide the mouth of the horn of Nakagawa to be mounted to a baffle of any speaker enclosure or speaker system for greater application.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hughes, II (U.S. patent 6,059,069) teaches a loudspeaker waveguide design.

Vincenot et al. (U.S. patent 6,585,077) teaches a sound-producing device with a rigid acoustical waveguide.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUYEN D. LE whose telephone number is (703) 305-4844. The examiner can normally be reached on 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HL
July 23, 2004



HUYEN LE
PRIMARY EXAMINER

Best Available Copy